

# Union Calendar No. 236

105TH CONGRESS  
2D SESSION

# H. R. 2846

[Report No. 105-409]

To prohibit spending Federal education funds on national testing without explicit and specific legislation.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 1997

Mr. GOODLING (for himself, Mr. GRAHAM, Mrs. ROUKEMA, Mr. PAUL, Mr. NORWOOD, Mr. DEAL of Georgia, Mr. HILLEARY, Mr. DUNCAN, Mr. DELAY, Mr. LARGENT, Mr. PAPPAS, Ms. WATERS, Mr. SHADEGG, Mr. McKEON, Mr. GINGRICH, Mr. WELDON of Pennsylvania, Mr. HYDE, Mr. SOUDER, Mr. ARMEY, Mr. BLUNT, Mr. WICKER, and Mr. KASICH) introduced the following bill; which was referred to the Committee on Education and the Workforce

JANUARY 30, 1998

Additional sponsors: Mr. WATTS of Oklahoma, Mr. EHRLICH, Mr. ISTOOK, Mr. ENSIGN, Mr. DICKEY, Mr. BACHUS, Mrs. CUBIN, Mr. HUTCHINSON, Mr. BOEHNER, Mr. CANADY of Florida, Mr. RIGGS, Mr. TALENT, Mr. HOEKSTRA, Mr. PETERSON of Pennsylvania, Mr. WELDON of Florida, Mr. MCINTOSH, Mr. OWENS, Mr. SAM JOHNSON of Texas, Mr. BALLENGER, Mr. BEREUTER, Mr. CANNON, Mr. ADERHOLT, Mr. CHABOT, Mr. TIAHRT, Mr. GOODE, Mr. MORAN of Kansas, Mrs. EMERSON, Mr. LAHOOD, Mrs. LINDA SMITH of Washington, Mr. SALMON, Mr. LEWIS of Kentucky, Mr. ENGLISH of Pennsylvania, Mr. GIBBONS, Mr. NETHERCUTT, Mr. TAYLOR of North Carolina, Mr. CUNNINGHAM, Mr. PORTMAN, Mr. BARTLETT of Maryland, Mr. COX of California, Mr. BLILEY, Mr. DOOLITTLE, Mr. SCHIFF, Ms. DUNN, Mr. MCCRERY, Mr. CRANE, Mr. BARTON of Texas, Mr. NEUMANN, Mr. SOLOMON, Mr. COMBEST, Mr. COLLINS, Mr. SMITH of New Jersey, Mr. SHIMKUS, Mr. BARRETT of Nebraska, Mr. HOSTETTLER, Mr. HEFLEY, Mr. CALLAHAN, Mr. COBURN, Mr. BUNNING, Mr. HERGER, Mr. JONES, Mr. BASS, Mr. KINGSTON, Mr. PORTER, Mr. LEACH, Mr. SESSIONS, Mr. BRADY, Mr. PACKARD, Mr. LATHAM, Mr. HASTERT, Mr. KLINK, Mr. CHRISTENSEN, Mr. WALSH, Mr. WATKINS, Mr. RILEY, Mr. SUNUNU, Mr. LINDER, Mr. PICK-

ERING, Mrs. MYRICK, Mr. PITTS, Mrs. CHENOWETH, Mr. SCARBOROUGH, Mrs. FOWLER, Mr. BONILLA, Mr. GILLMOR, Mr. THUNE, Mr. GOSS, Mr. SMITH of Oregon, Ms. PRYCE of Ohio, Mr. MANZULLO, Mr. INGLIS of South Carolina, Mr. BURTON of Indiana, Mr. CRAPO, and Mr. KNOLLENBERG

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

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## A BILL

To prohibit spending Federal education funds on national testing without explicit and specific legislation.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. PROHIBITION ON NATIONAL TESTING.**

4 ~~(a) GENERAL EDUCATION PROVISIONS.—Part C of~~  
5 ~~the General Education Provisions Act is amended by add-~~  
6 ~~ing at the end the following:~~

### 7 **“SEC. 447. PROHIBITION ON NATIONAL TESTING.**

8 ~~“(a) GENERAL PROHIBITION.—Notwithstanding any~~  
9 ~~other provision of Federal law, funds provided to the De-~~  
10 ~~partment of Education or to an applicable program under~~  
11 ~~this Act or any other Act, may not be used to develop,~~  
12 ~~plan, implement (including pilot testing or field testing),~~  
13 ~~or administer any national testing program in reading or~~  
14 ~~mathematics or any other subject that is not specifically~~  
15 ~~and explicitly provided for in authorizing legislation en-~~  
16 ~~acted into law.~~

1       “(b) EXCEPTION.—Subsection (a) shall not apply to  
2 the Third International Math and Science Study.”.

3       (b) FUND FOR THE IMPROVEMENT OF EDU-  
4 CATION.—Section 10101 of the Elementary and Second-  
5 ary Education Act of 1965 is amended—

6           (1) by redesignating subsection (d) as sub-  
7 section (e); and

8           (2) by inserting after subsection (e), the follow-  
9 ing:

10       “(d) GENERAL PROHIBITION.—

11           “(1) IN GENERAL.—Notwithstanding any other  
12 provision of this section, funds provided under this  
13 section may not be used to develop, plan, implement  
14 (including pilot testing or field testing), or admin-  
15 ister any national testing program in reading or  
16 mathematics or any other subject that is not specifi-  
17 cally and explicitly provided for in authorizing legis-  
18 lation enacted into law.

19           “(2) EXCEPTION.—Paragraph (1) shall not  
20 apply to the Third International Math and Science  
21 Study.”.

22 **SECTION 1. FINDINGS.**

23       *The Congress finds the following:*

24           (1) *High State and local standards in reading,*  
25 *mathematics, and other core academic subjects are es-*

1        *essential to the future well-being of elementary and sec-*  
2        *ondary education in this country.*

3            (2) *State and local control of education is the*  
4        *hallmark of education in the United States.*

5            (3) *Each of the 50 States already utilizes numer-*  
6        *ous tests to measure student achievement, including*  
7        *State and commercially available assessments. State*  
8        *assessments are based primarily upon State and lo-*  
9        *cally developed academic standards.*

10          (4) *Public Law 105–78, the Labor, Health and*  
11        *Human Services and Education Appropriations Act,*  
12        *1998, ensures that Federal funds may not be used to*  
13        *field test, pilot test, implement, administer, or distrib-*  
14        *ute in any way, any federally sponsored national test*  
15        *in fiscal year 1998, requires the National Academy of*  
16        *Sciences to conduct a study to determine whether an*  
17        *equivalency scale can be developed that would allow*  
18        *existing tests to be compared one to another, and per-*  
19        *mits very limited test development activities in fourth*  
20        *grade reading and eighth grade mathematics in fiscal*  
21        *year 1998.*

22          (5) *There is no specific or explicit authority in*  
23        *current Federal law authorizing the proposed feder-*  
24        *ally sponsored national tests in fourth grade reading*  
25        *and eighth grade mathematics.*

1           (6) *The decision of whether or not this country*  
 2           *implements, administers, disseminates, or otherwise*  
 3           *has federally sponsored national tests in fourth grade*  
 4           *reading and eighth grade mathematics or any other*  
 5           *subject, will be determined primarily through the nor-*  
 6           *mal legislative process involving Congress and the re-*  
 7           *spective authorizing committees.*

8   **SEC. 2. PROHIBITION ON FEDERALLY SPONSORED**  
 9                           **TESTING.**

10       *Part C of the General Education Provisions Act is*  
 11       *amended by adding at the end the following:*

12   **“§ 447. Prohibition on federally sponsored testing**

13       “(a) *GENERAL PROHIBITION.—Notwithstanding any*  
 14       *other provision of Federal law and, except as provided in*  
 15       *sections 305 through 311 of Public Law 105–78, the Labor,*  
 16       *Health and Human Services and Education Appropria-*  
 17       *tions Act, 1998, funds provided to the Department of Edu-*  
 18       *cation or to an applicable program under this Act or any*  
 19       *other Act, may not be used to develop, plan, implement (in-*  
 20       *cluding pilot testing or field testing), or administer any fed-*  
 21       *erally sponsored national test in reading, mathematics, or*  
 22       *any other subject that is not specifically and explicitly pro-*  
 23       *vided for in authorizing legislation enacted into law.*

24       “(b) *EXCEPTIONS.—Subsection (a) shall not apply to*  
 25       *the Third International Math and Science Study or other*

1 *international comparative assessments developed under au-*  
2 *thority of section 406(a)(6) of the National Education Sta-*  
3 *tistics Act of 1994, and administered to only a representa-*  
4 *tive sample of pupils in the United States and in foreign*  
5 *nations.”.*



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2<sup>D</sup> Session

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